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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 003880

SIPDIS

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TAGS: [PGOV](#) [IZ](#)
SUBJECT: FIVE COMMITTEE TALKS - POSSIBLE ROADMAP FOR
GOVERNANCE IN IRAQ

REF: A. BAGHDAD 2959
[1](#)B. BAGHDAD 2958
[1](#)C. BAGHDAD 2939
[1](#)D. BAGHDAD 2820

Classified By: PMIN Robert S. Ford for reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY. Participants in the Five Committee Talks on constitutional issues have told us the process has been positive, hard-hitting and honest. Heightened Shia-Kurd tensions, the confrontation in Khanaqin (reftel A,B,C and D) led to a Kurdish President Barzani visit to Baghdad at the end of October and the launch of the talks between the Shia Islamist Coalition parties and the Kurdish parties. The talks later expanded to include the main Sunni Arab party, the Iraqi Islamic Party. The talks aim to develop mechanisms for dealing with amendments to the constitution, focusing on hydrocarbons, disputed borders, power-sharing, revenue-sharing, and security. They would establish a mechanism for settling regional disputes with the central government, and attempts to create a common vision for governance. Participants from the KDP, PUK, Dawa, ISCI and IIP are meeting in the five committee configuration and expect to produce reports and recommendations that are binding for the five parties. The Committee on Disputed Areas' report revalidated the Article 140 process, something the Kurds have wanted and some Arabs have opposed. The Committee discussions are expected to resume after the long Eid break. In general, our Iraqi contacts say little about the discussions but much of what we hear is unusually upbeat. It could well be that as long as that impression lasts, moves to assemble a no-confidence vote in Maliki will not advance. The talks may well expand to include other Shia and Sunni Arab political parties, such as Fadhila and the National Dialog Front, once various political actors reassemble in Baghdad next week. Lastly, it is notable that the participants all have largely kept these committee talks out of the media - something rather rare for Iraqi politicians these days. END SUMMARY.

BACKGROUND

[1](#)2. (SBU) In early November, Kurdish and Shi'a political leaders initiated a series of meetings to reach an understanding on national issues ranging from the SOFA to provincial elections. Following the strain in Shi'a-Kurd relations after a near confrontation between Kurdish Pesh merga and Iraqi Army troops in Khanaqin and the Arab-Kurd dispute over Kirkuk that almost derailed the Provincial Election law, on November 2, KRG President Masoud Barzani suggested forming five committees to discuss Constitutional amendments on the five most important issues between the Shi'a and the Kurds: hydrocarbons, disputed borders, power-sharing, security, and revenue sharing. The four parties after a few initial meetings invited representatives from the Sunni Arab Iraqi Islamic Party (IIP) to join. The following committee rosters include, but are not limited to:

SECURITY AND DEFENSE COMMITTEE

KDP General Schwan
PUK General Jabbar Yawar
Dawa PM Advisor and Parliamentarian Hassan al-Senneid
ISCI/Badr Head Hadi al-Amiri
IIP Abd al-Karim al-Sammaraie
Minister of Defense Abd-al Qadr
Minister of Interior Jawad al-Bolani

HYDROCARBONS COMMITTEE (Oil)

KDP KRG Prime Minister Nechirvan Barzani
PUK Deputy Prime Minister Barham Salih
Dawa Tariq Abdulla (PM's Chief of Staff)
ISCI Vice President Adil Abd al-Medhi
IIP Vice President Tariq al-Hashimi
Minister of Oil Hussein Shahrastani

POWERSHARING IN GOVERNMENT COMMITTEE

KDP KRG Representative Rowsch Shaways or Foreign Minister
Hoshyar Zebari
PUK Kurdish Alliance Parliamentary Leader Fuad Massum and
QPUK Kurdish Alliance Parliamentary Leader Fuad Massum and
DPM Barham Salih
Dawa Tariq Abdulla and PM Spokesperson Haider al-Abadi
ISCI Politburo and Parliamentarian Humam Hamudi and VP Adil
abd al-Medhi (Chair)
IIP Selim al-Jeboori and Ayad al-Sammaraie

FINANCE AND BUDGET COMMITTEE (Revenues)

KDP Minister of Industry Fawzi Hariri or KRG PM Nechirvan
Barzani
PUK DPM Barham Salih
Dawa PM Advisor Tariq Abdulla

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ISCI Minister of Finance Bayan Jabr
IIP Ayad Sammaraie

DISPUTED TERRITORIES COMMITTEE (Article 140)

KDP Rowsch Shaways or Hoshyar Zebari
PUK Minister of Environment Narmin Othman (Chair)
PUK Dr. Saadi al-Barzinji or Khalid Shawani
Dawa Tariq Abdulla and Dr. Fadhel Muhammad Jawad
ISCI Jalal ad din al-Sagheer and Iman al-Asadi
IIP Selim al-Jeboori
Article 140 Mohammed Ishan

¶3. (C) The Committees began meeting during the first week of November, and were mandated to address principles, substance and detailed policies and to provide recommendations to the leadership of the five parties. (Note: The original November 15 deadlines was not met. End Note). KRG representative Dilshad Mirani told us the intention is for all committees to prepare reports of their deliberations and recommendations for GOI leaders, who would sign an agreement committing their parties to the decisions/solutions on these issues. Mirani, who attended the first Security and Defense Committee meeting on November 6, told us that reports would probably be finalized by December 15. He noted that the committees' work has been delayed by SOFA negotiations, travel and other issues. On November 15 KDP Minister of Industry Fawzi Hariri told us that the parties had agreed not to brief the press or divulge details until the reports are produced.

¶4. (C) Among the issues addressed, the Security and Defense Committee has discussed Peshmerga funding; the role of the national police; implementation of the agreement for two Divisions of KRG troops to be part of the national military; and how to coordinate regional troops on national territory and national troops movements in disputed areas. The Security Committee is also addressing questions of national and regional jurisdiction and the handling of customs and national borders. Zebari mentioned that he took issue with other participants who argued that Kurds should not be in charge of GOI service ministries. On November 16, Foreign Minister Hoshyar Zebari said that the Power-sharing Committee

came up with 50 points of contention, and that only seven still await resolution. Da'wa Haidar al-Abadi also told us in mid-November that the Power-Sharing committee was making good progress, including on the GoI-KRG roles with respect to customs and import inspections. Abadi noted that Zebari had taken a constructive tone throughout.

¶15. (C) Concerning the Oil Committee, on November 12 DPM Salih complained about reduced oil production, but said the KRG has agreed to join its 100,000 barrels of daily oil production to the Iraqi system. In addition, the KRG agreed to send a technical delegation to try and increase the level of oil production.

¶16. (C) The Committee on Disputed Areas (Article 140) has met four times. On November 22, it produced a draft report with the following recommendations:

- Define disputed areas as outlined in Article 140 of the Constitution or Article 58 of the Transitional Administrative Law(TAL);
- Make changes to the administrative boundaries as per Article 58(b) of the TAL;
- Have the Council of Ministers (COM) repeal all property and boundary related decrees of the Northern Affairs Committee;
- Have the COM repeal all property and boundary related decrees of the Revolutionary Command Council;
- Have the Presidency Council activate Decree 6 of Article 140 (Tsin and Hamzali return to Kirkuk);
- Expedite a census of "original habitants" in disputed Areas;
- Have the PMO increase the Article 140 Committee budget to provide adequate compensation following the expansion of committees' activities
- Increase the number of judges, judicial commissions, and cassation panels of the Iraqi Property Claims Commission;
- Have the Supreme Committee for Implementation of Article 140 continue its activities.

(Comment. These recommendations are not yet finalized. The deadline for final submission is December 15, 2009. If finalized and seriously pursued by GOI, the Committee's report could rejuvenate the mostly moribund Article 140 process. End Comment.)

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¶17. (C) Participants on all sides have been positive in characterizing these talks. Industry Minister Hariri told PolOff that "everyone is being an adult and hitting the issues head on." DPM Salih stated that there is general acceptance by all participants that all the issues are "solvable." On November 10, Environment Minister Narmin Othman told PolOff that working in a small group keeps everyone realistic, and believes that progress can be made. FM Zebari asserted that the talks are the most interesting commissions he has ever attended. Dawa COR member Haidar al-Abadi on 13 November cited Zebari's positive statements regarding central government responsibility over custom duties during committee meeting as evidence of progress. Laith Shubbar, head of press relations for Vice President Abd al-Mahdi, and ISCI Chief of Staff Haitham al-Husseini predicted to Poloffs that these committees will help solve the most contentious disputes.

¶18. (C) COMMENT. Despite the intense and all-consuming Security Agreement negotiations, committee participants made these talks a priority and generally adhered to meeting

schedules. While the US-Iraqi Security Agreement discussions in parliament exposed fissures among the political elite, our impression is that some are willing to give these talks a chance before considering (a much discussed) vote of no confidence in the Prime Minister. Although these talks cannot yet be viewed as a success, the GOI leadership has demonstrated its willingness to come to the table, confront each other on these difficult issues, and attempt to resolve them. This may reflect arecognition of the need to preserve what has been gained since 2003, and the threat facing incumbent parties during provincial elections. These discussions may also reflect acknowledgement that it is time for KRG and GOI leaders to govern, make some tough decisions, and agree on a common vision for governance in Iraq. The talks may well expand to include other Shia and Sunni Arab political parties, such as Fadhila and the National Dialog Front, once various political actors reassemble in Baghdad next week after the long 'Eid break. Lastly, it is notable that the participants all have largely kept these committee talks out of the media - something rather rare for Iraqi politicians these days. END COMMENT.

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